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Compilation on Belize

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1-2]

2. Regarding the relevant recommendation from the second cycle of the universal periodic review,[3] the United Nations country team noted that in 2015 Belize had ratified the International Covenant on Economic, Social and Cultural Rights.[4] It also noted that, in the same year, Belize had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, in 2016, had signed the United Nations Convention against Corruption.[5]

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that in 2015 Belize had acceded to the Convention on the Reduction of Statelessness, of 1961, and was a party to most other international human rights instruments.[6]

4. In 2014, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families invited Belize to consider acceding to the International Labour Organization (ILO) Minimum Wage Fixing Convention, 1970 (No. 131); the Safety and Health in Construction Convention, 1988 (No. 167); the Private Employment Agencies Convention, 1997 (No. 181); the Domestic Workers Convention, 2011 (No. 189); and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).[7]

5. The same Committee encouraged Belize to consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families recognizing the competence

of the Committee to receive and consider communications from States parties and individuals.[8]

6. The Committee considered that the failure of Belize to honour its reporting obligations under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families amounted to a breach of article 73 of the Convention. It proceeded to review the implementation of the Convention in Belize in the absence of a report and without the presence of a delegation and requested Belize to ensure the implementation of the recommendations, while involving civil society organizations more closely.[9]

7. The country team stated that the issue of clearing the backlog of pending reports to treaty bodies remained a challenge for Belize and noted the ongoing United Nations support in that regard.[10]

8. The country team noted that Belize had not extended an open invitation to the special procedure mandate holders.[11] While acknowledging the government follow-up to the visit of the Special Rapporteur on trafficking in persons, especially women and children, the country team recommended that Belize make better use of the special procedure mechanisms to build capacity to address emerging issues and challenges.[12]

9. Belize is covered by the Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights (OHCHR). OHCHR worked with Belize on the ratification of international human rights instruments and supported relevant actors to enhance their engagement with treaty bodies, the universal periodic review and special procedure mandate holders.[13]

III. National human rights framework[14]

10. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families urged Belize to ensure that its national laws and policies were in line with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other international human rights treaties.[15] The country team stated that Belize was making progress to bring national laws into compliance with international treaties.[16]

11. The country team reported that Belize did not have a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It noted that the Ombudsman lacked the power to issue sanctions for human rights abuses identified in his or her investigations or to initiate legal proceedings on behalf of victims and that the Ombudsman's office did not have the staffing capacity to conduct routine human rights monitoring.[17]

12. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned about the selection criteria and dismissal procedures in regard to the Ombudsman. It was also concerned that the Ombudsman Act did not include a comprehensive mandate pertaining to the rights of migrant workers, that the executive could scrutinize at any time the investigations undertaken by the Ombudsman and that the actions taken by the Belize Defence Force or falling under the Defence Act could not be subject to investigation.[18] The Special Rapporteur on trafficking recommended that Belize establish without delay a national human rights institution that complied with the Paris Principles, and provide it with the resources necessary for it to work effectively and independently.[19]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[20]

13. Regarding the relevant recommendations from the second cycle of the universal periodic review,[21] the country team stated that Belize had not taken any action to review the Constitution or to pass specific legislation to address discrimination against different groups. It reported that in 2016 the Supreme Court had ruled that section 53 of the Criminal Code could not be used to criminalize sexual activity between consenting adults committed in the privacy of their homes.[22]

2. Development, the environment, and business and human rights[23]

14. The country team noted that in 2016 Belize had signed the Paris Agreement on climate change, had developed a climate change and adaptation strategy to strengthen the Climate Change Council and had set mechanisms in place for the effective management of risks associated with climate change.[24]

B. Civil and political rights

1. Right to life, liberty and security of person[25]

15. Regarding the relevant recommendation from the second cycle of the universal periodic review,[26] the country team stated that Belize had continued its efforts to address the issue of excessive use of force by law enforcement officials and to ensure greater accountability where there were allegations of misconduct. In that regard, it noted that in 2015 Belize had established the Belize Crime Observatory, allowing for better tracking of crime patterns including where there was involvement by law enforcement officials, and had begun efforts to implement the United Nations Convention against Corruption.[27] In 2018, the Human Rights Committee requested Belize to comment on continuing reports of excessive use of force and firearms by police officers and security forces, including on minors, leading to death in some instances.[28] The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Belize to expand current human rights training to include all law enforcement officers.[29]

16. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that Belize establish a national preventive body as soon as possible, ensuring that it was functionally independent, adequately resourced and mandated to carry out unannounced visits to places where people were deprived of liberty.[30] The country team made similar recommendations.[31]

2. Administration of justice, including impunity, and the rule of law[32]

17. Regarding the relevant recommendation from the second cycle of the universal periodic review,[33] the country team acknowledged the participation of representatives of the judiciary in regional capacity-building activities, but noted the lack of a standardized ongoing professional development programme on human rights for the judiciary or for attorneys.[34] UNESCO encouraged Belize to expand the human rights training offered to public security forces to include magistrates, judges and lawyers.[35]

18. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned about the limited access to justice for migrant workers, regardless of their migration status, due to their lack of awareness of the administrative and judicial remedies available to them, as well as to other obstacles, such as delays in the delivery of justice attributable to a lack of efficiency in managing cases and the registries of domestic courts.[36]

3. Fundamental freedoms and the right to participate in public and political life

19. UNESCO stated that the Constitution of Belize recognized freedom of expression, but noted that the Libel and Defamation Act criminalized slander and libel in print and the broadcast media. UNESCO recommended that Belize decriminalize defamation and place it within a civil code that was in accordance with international standards.[37]

20. UNESCO reported that since 2008 it had not recorded any killing of journalists in Belize.[38]

21. UNESCO noted that the members of the Belize Broadcasting Authority, the official regulatory body for matters relating to broadcasting, were appointed by the minister responsible for broadcasting, and encouraged Belize to assess the appointment system to ensure the independence of that body.[39]

4. Prohibition of all forms of slavery[40]

22. Regarding the relevant recommendation from the second cycle of the universal periodic review,[41] the country team stated that Belize had strengthened measures to combat trafficking in persons, including through the 2013 revision of the Trafficking in Persons (Prohibition) Act, the adoption of the Commercial Sexual Exploitation of Children (Prohibition) Act and the amendment of the Criminal Code. Nevertheless, it noted that challenges remained, such as the lack of adequate data to assess the scope of the problem, as well as the existence of corruption in the protection response mechanism and deficiencies in the surveillance and enforcement mechanism.[42]

23. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned at the few convictions for trafficking successfully prosecuted under the new legislation, the failure to adequately identify victims, the lack of awareness and understanding of State officials dealing with trafficking, and the prevalence of sex tourism in the country.[43] The Committee recommended, inter alia, that Belize investigate, prosecute and punish all acts of trafficking in persons, and enhance the existing identification procedures as well as training and capacity-building for relevant officials.[44]

24. UNHCR recommended that Belize incorporate a protection-sensitive approach to potential victims of human trafficking — particularly those from the north of Central America — by ensuring access to psychological support and screening for protection needs, and added that, if victims indicated having a fear of returning to their home countries, they should be allowed access to the asylum system.[45]

25. The Special Rapporteur on trafficking recommended that Belize enhance the existing system for the collection of data on trafficking in persons.[46] She also recommended that Belize step up efforts to raise awareness among the general population of all forms of trafficking in persons and scale up public information campaigns in the tourism sector to prevent sex tourism.[47]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

26. The country team noted that in 2016 Belize had re-established the Labour Advisory Board with a mandate to oversee policy and legislative reforms to bring labour laws into full compliance with international commitments.[48]

27. In 2017, the ILO Committee of Experts on the Application of Conventions and Recommendations reiterated its comments of 2011 considering as incompatible with the Abolition of Forced Labour Convention, 1957 (No. 105) the provisions of the Trade Unions Act, which allowed the imposition of sanctions involving compulsory labour as a punishment for breaches of labour discipline or for having participated in strikes.[49]

28. The ILO Committee of Experts reiterated its comments initially made in 2012 that the reference in the Equal Pay Act of 2003 to "equal pay for equal work" was narrower than

the principle of the Equal Remuneration Convention, 1951 (No. 100), and that section 2 (1) of the Act was limited to work involving similar duties, conditions, qualifications, skills, effort and so on and did not encompass the concept of "equal value".[50]

29. The ILO Committee of Experts reiterated its comments initially made in 2012 that the Labour (Amendment) Act of 2011 only provided protection against unfair dismissal or discipline on the basis of some grounds of discrimination and asked the Government to take steps to extend the protection to cover all aspects of employment and occupation, including access, terms and conditions, and others.[51]

30. The ILO Committee of Experts reiterated its comments initially made in 2011 that the Summary Jurisdiction (Offences) Ordinance, which established a legal obligation to maintain oneself by work in the absence of other means and punished the wilful breach of such obligation, should promptly be revised, so as to bring legislation into conformity with the Forced Labour Convention, 1930 (No. 29).[52]

31. The ILO Committee of Experts reiterated its comments initially made in 2012 requesting Belize to take specific measures to promote equality of workers of Mayan origin and from other minorities in the country.[53]

2. Right to an adequate standard of living[54]

32. The country team commended Belize on efforts taken to reflect the Sustainable Development Goals in the Growth and Sustainable Development Strategy 2016–2019.[55] However, it noted the limited resources available to continue the operationalization of the strategy, and the need to localize the Sustainable Development Goals to ensure that the achievement of goals and targets became a national endeavour.[56]

33. Regarding the relevant recommendations from the second cycle of the universal periodic review,[57] the country team indicated that the fifth Multiple Indicator Cluster Survey, in 2016, had shown some improvement in the standard of living through greater access to potable drinking water and to sewerage.[58]

3. Right to health[59]

34. The country team stated that Belize was implementing a number of initiatives, such as the National Health Strategic Plan 2014–2024 and the Integrated Health Services Delivery Networks Approach, that were changing the focus of health care from a disease-oriented to a people-centred model of care. It noted that Belize had signed the 2014 Strategy for Universal Access to Health and Universal Health Coverage and had improved access to primary health care.[60]

35. UNESCO noted that lack of information on sexual and reproductive health services was a prevailing problem, especially in rural communities, and that faith-based schools prohibited or limited discussions on sexual and reproductive health. It encouraged Belize to ensure the provision of sexual and reproductive health education, especially in rural communities, and to increase its efforts to avoid pregnant adolescents dropping out of school.[61] The country team also noted the need to have targeted approaches to provide sexual and reproductive health information for indigenous communities, and to increase access to services at the local level.[62]

36. UNESCO recognized the efforts by Belize regarding education on HIV/AIDS and sexually transmitted diseases, but remained concerned that the infection rate was particularly high among 20- to 24-year-olds and among 60- to 64-year-old females, which underlined the importance of prevention strategies directed at younger persons and at women after their reproductive years.[63]

37. The country team considered that other emerging health issues were the responses of the health system to disasters and to mental health needs resulting from exposure to trauma and violence. In that regard, it noted that the need for mental health services outweighed the available resources and expertise.[64]

4. Right to education[65]

38. While noting that the Education and Training Act provided for compulsory school attendance between the ages of 5 and 14 and included provisions on gender equality and non-discrimination, UNESCO was concerned about the lack of an explicit constitutional guarantee of the right to education. It stated that Belize should be encouraged to ensure the effective implementation of the right to education through constitutional provisions.[66]

39. UNESCO stated that Belize had taken action regarding access to education, including on achieving universal primary education and decreasing the level of school dropouts. Nevertheless, it noted that although net primary enrolment in 2015 was 96.14 per cent, at the secondary level the enrolment rate dropped to 69.51 per cent. It encouraged Belize to continue the programmes set up to ensure universal primary education and to reduce dropout and repetition rates.[67] The country team also recommended greater implementation of after-school programmes in urban areas for children performing poorly at school.[68]

40. Regarding the relevant recommendation from the second cycle of the universal periodic review,[69] the country team noted that Belize had partially addressed the issue of providing human rights as a subject in the educational curriculum by including training on the Convention on the Rights of the Child in primary, secondary and tertiary education. However, it stated that challenges remained due to the lack of standardized curricula for privately owned denominational schools, and underscored the need to include other aspects of human rights such as gender norms, child labour and exposure to violence, as human rights issues affecting children.[70]

D. Rights of specific persons or groups

1. Women[71]

41. The country team stated that the number of women representatives at the national and municipal levels had not increased and noted the existence of a proposal of draft amendments to the Representation of the People Act that would provide for a 33 per cent quota for women in the National Assembly. It stated that the proposal was awaiting instructions from the relevant ministries before it could be submitted to Parliament, and highlighted the need to build support for it.[72]

42. The country team acknowledged the efforts by Belize to combat violence against women. However, it noted that domestic violence remained an issue and the Sexual Offenders Registry, which was provided for by law had never been implemented.[73] UNESCO reported that Belize had included gender equality in its Growth and Sustainable Development Strategy, but that specific programmes to combat violence against women had not been discussed in that context.[74]

2. Children[75]

43. The country team noted that Belize had expanded its birth registration programme, but that gaps remained in birth registration coverage.[76] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families remained concerned at persistent challenges in accessing birth registration, including by children of irregular migrants, particularly in rural areas. It recommended that Belize take steps to make birth registration more efficient and provide birth certificates for all children born in the country.[77]

44. Regarding the relevant recommendation from the second cycle of the universal periodic review,[78] the country team reported that no new legislation was pending in relation to prohibition of corporal punishment in homes.[79]

45. With regard to juvenile justice, the country team noted that Belize had made some progress in integrating international commitments into its legislation and policies, but noted the slow pace of legislative reform in that regard. It also emphasized that severe challenges remained, such as long remand times for status offences, the lack of legal representation for

children, children receiving life sentences for offences committed as minors, and children being charged with adults for firearms offences and facing mandatory custodial sentences.[80]

46. The country team acknowledged government initiatives to eradicate child labour, including the re-establishment in 2017 of the Child Labour Committee, but noted that challenges remained, particularly in connection with cultural and traditional norms in family-run farms and businesses. It recommended greater coordination between the Labour Department and the Department of Human Services to address such cultural norms.[81]

47. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Belize ensure a full ban on the recruitment and employment of all children under 14 years of age, intensify efforts to combat migrant child labour, and redouble efforts to protect children below the age of 18 against the worst forms of child labour.[82]

3. Persons with disabilities[83]

48. The country team indicated that Belize had not passed legislation to align local laws with the Convention on the Rights of Persons with Disabilities.[84]

49. The country team noted that Belize had continued to implement its policy of inclusive education for children with disabilities and was improving the accessibility of school facilities.[85]

4. Minorities and indigenous peoples[86]

50. In 2015, the Special Rapporteur on the rights of indigenous peoples urged Belize to ensure respect for the rights of the country's Maya people to non-discrimination and traditional property. She stressed that indigenous peoples had the right to use, develop and control the lands, territories and resources they possessed by reason of traditional ownership, and urged the Government to establish a dialogue with Maya leaders and discuss outstanding issues, including the land tenure situation of the Maya people, in a spirit of partnership and mutual respect.[87]

51. The country team reported that, despite the Caribbean Court of Justice ruling to recognize Mayan customary land ownership rights over their lands, Belize had not passed laws requiring prior consultation with indigenous peoples on matters affecting them.[88]

5. Migrants, refugees, asylum seekers and internally displaced persons[89]

52. While noting that the principle of non-discrimination had been enshrined in the 1981 Constitution, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families remained gravely concerned at the discriminatory provisions of the Immigration Act of 2000 relating to foreign nationals. In particular, the Committee was concerned that entry could be denied to a migrant worker and dependent children under 16 years of age on discriminatory grounds, including health or medical status, irrespective of whether there was a risk or danger to public health; and physical or psychosocial disability, if it was considered likely to become a burden on public funds; as well as to homosexuals, sex workers, and persons suffering from a communicable disease, including HIV/AIDS. The Committee was also concerned that the Act empowered immigration officers to request any migrant worker wishing to enter the country to undergo a medical examination on the basis of such discriminatory grounds.[90] The Committee urged Belize to repeal all discriminatory provisions regarding entry of migrant workers and bring its legislation and practice into line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[91]

53. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was particularly concerned at the criminalization of irregular migrants, the detention of migrant workers along with convicts under inhumane conditions and without basic assistance, and the detention of children under 18 years of age, as well as of unaccompanied minors, for committing infractions listed in the Immigration Act. The Committee urged Belize to remove from its legislation any provision considering any irregular immigration situation as a criminal offence, to ensure that administrative detention

on the basis of migration was an exceptional measure only and was for the shortest time possible, to adopt alternative measures to detention of migrant workers, to ensure that detained migrant workers had access to legal aid and consular services and were held in humane conditions, and to cease the detention and expulsion of migrant children on the basis of their migration status.[92]

54. The same Committee was concerned about provisions in the Immigration Act of 2000 that allowed for the collective expulsion of irregular migrants, and urged Belize to ensure that each case was examined and decided individually and that expulsions were only carried out following a decision by a competent authority and in accordance with the law.[93]

55. The same Committee was concerned at the lack of available official statistical data on migration disaggregated by sex, age, nationality and migration status and recommended that Belize create a centralized and comprehensive database on migration.[94]

56. UNHCR noted that in 2017 Belize had joined the Comprehensive Regional Protection and Solutions Framework — the regional response to the displacement situation in the north of Central America.[95]

57. Regarding the relevant recommendation from the second cycle of the universal periodic review,[96] UNHCR commended Belize for re-establishing its asylum apparatus, including the Refugee Eligibility Committee in 2015 and the Refugees Department in 2016, but noted that it should implement several additional measures.[97] It recommended that Belize conduct a comprehensive review of the asylum adjudication process and consider allotting additional financial and human resources to support the Refugees Department to increase its staffing and allow for asylum claims to be adjudicated more quickly.[98] The country team noted that the refugee adjudication process was lengthy and there was a significant backlog, with over 3,000 persons still to be reviewed.[99]

58. UNHCR recommended that Belize amend section 8 (1) of the Refugees Act to remove the deadline that prohibited access to the asylum system to anyone who did not apply within 14 days of entering the country, or, should the deadline still be deemed necessary, that Belize provide a longer period to apply for asylum and incorporate broad exceptions. In the interim, Belize should interpret section 8 (1) as allowing exceptions for good cause, inter alia for victims of torture or trauma, children, victims of human trafficking, and any claimants within Belizean territory whose needs for asylum arose when they were already in Belize.[100]

59. UNHCR noted that there was no way for an asylum seeker to access a work permit without being compelled to withdraw from the asylum process. It recommended that Belize grant asylum seekers the ability to apply for a work permit so that they could sustain themselves and their families, and that it engage asylum seekers in State-sponsored education and skills training programmes.[101]

6. Stateless persons

60. UNHCR noted that, despite Belize being a party to both statelessness conventions, the country's adoption of comprehensive internal legislation establishing a statelessness determination procedure to identify and guarantee the rights and protection of stateless persons remained pending.[102]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Belize will be available at www.ohchr.org/EN/Countries/LACRegion/Pages/BZIndex.aspx.

[2] For relevant recommendations, see A/HRC/25/13, paras. 98.5, 99.1–99.6, 99.11, 99.18–99.21, 99.23–99.24 and 99.42.

[3] See A/HRC/25/13, para. 99.1 (Brazil) (Paraguay).

[4] See United Nations country team submission for the universal periodic review of Belize, para. 1.

[5] Ibid., paras. 2, 4 and 28.

[6] UNHCR submission for the universal periodic review of Belize, p. 1. See also country team submission, para. 1.
[7] See CMW/C/BLZ/CO/1, para. 13. See also A/HRC/26/37/Add.6, para. 88.
[8] See CMW/C/BLZ/CO/1, paras. 10–11.
[9] Ibid., paras. 3–4 and 42–43.
[10] See country team submission, para. 5. See also UNESCO submission for the universal periodic review of Belize, pp. 2 and 6.
[11] See country team submission, para. 6.
[12] Ibid., paras. 6–7.
[13] OHCHR, "OHCHR in the field: Americas", in *OHCHR Report 2013*, p. 259; "OHCHR in the field: Americas", in *OHCHR Report 2014*, p. 201; and "OHCHR in the field: Americas", in *OHCHR Report 2015*, p. 188.
[14] For relevant recommendations, see A/HRC/25/13, paras. 97.1–97.6, 98.1–98.2, 98.26, 99.7–99.8 and 99.10–99.16.
[15] See CMW/C/BLZ/CO/1, para. 9.
[16] See country team submission, paras. 9 and 11.
[17] Ibid., paras. 1 and 10. See also CCPR/C/BLZ/Q/1/Add.1, para. 2.
[18] See CMW/C/BLZ/CO/1, para. 24.
[19] See A/HRC/26/37/Add.6, para. 97. See also CMW/C/BLZ/CO/1, para. 25.
[20] For relevant recommendations, see A/HRC/25/13, paras. 97.7, 97.9, 98.6, 98.8 and 99.28–99.39.
[21] See A/HRC/25/13, paras. 97.7 (France), 98.6 (Indonesia), 98.8 (Argentina), 99.28 (Netherlands), 99.29 (Brazil), 99.30 (Argentina), 99.31 (Uruguay), 99.34 (Canada), 99.35 (Spain), 99.36 (France), 99.37 (Chile), 99.38 (United Kingdom of Great Britain and Northern Ireland) and 99.39 (United States of America).
[22] See country team submission, para. 22. See also CCPR/C/BLZ/Q/1/Add.1, paras. 3 and 5.
[23] For relevant recommendations, see A/HRC/25/13, paras. 97.24 and 97.32.
[24] See country team submission, paras. 4 and 23.
[25] For relevant recommendations, see A/HRC/25/13, paras. 98.3, 98.9, 99.17, 99.22 and 99.25.
[26] See A/HRC/25/13, para. 98.9 (Australia).
[27] See country team submission, para. 26.
[28] See CCPR/C/BLZ/Q/1/Add.1, para. 11.
[29] UNESCO submission, p. 4. See also country team submission, para. 15.
[30] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23034&LangID=E.
[31] See country team submission, para. 28.
[32] For relevant recommendations, see A/HRC/25/13, paras. 97.19, 98.4, 99.17, 99.23–99.24 and 99.27.
[33] See A/HRC/25/13, para. 99.17 (United States of America).
[34] See country team submission, para. 18.
[35] UNESCO submission, p. 4. See also country team submission, para. 15.
[36] See CMW/C/BLZ/CO/1, para. 22.
[37] UNESCO submission, pp. 2 and 6. See also CCPR/C/BLZ/Q/1/Add.1 para. 22.
[38] UNESCO submission, p. 3.
[39] Ibid., pp. 2 and 6.
[40] For relevant recommendations, see A/HRC/25/13, paras. 97.15–97.18.
[41] See A/HRC/25/13, para. 97.18 (Ireland).
[42] See country team submission, paras. 11 and 29–31. See also CMW/C/BLZ/CO/1, para. 40; and A/HRC/26/37/Add.6, para. 107.
[43] See CMW/C/BLZ/CO/1, para. 40.
[44] Ibid., para. 41. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3338898 and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339101.
[45] UNHCR submission, p. 4. See also CMW/C/BLZ/CO/1, para. 41; A/HRC/26/37/Add.6, paras. 98, 101 and 103; and country team submission, para. 32.
[46] See A/HRC/26/37/Add.6, para. 95.
[47] Ibid., paras. 111–112.
[48] See country team submission, para. 11.
[49] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339016.
[50] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3339718. See also CCPR/C/BLZ/Q/1/Add.1, para. 6.
[51] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339442. See also CMW/C/BLZ/CO/1, paras. 20–21.
[52] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3338898.
[53] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339442.
[54] For relevant recommendations, see A/HRC/25/13, paras. 97.33, 98.15–98.17 and 98.24–98.25.

[55] See country team submission, para. 12.
[56] Ibid., para. 14.
[57] See A/HRC/25/13, paras. 97.24 (Malaysia), 97.33 (Viet Nam), 98.16 (Cuba), 98.17 (China) and 98.25 (Bolivarian Republic of Venezuela).
[58] See country team submission, para. 36.
[59] For relevant recommendations, see A/HRC/25/13, paras. 97.25–97.26 and 98.18.
[60] See country team submission, para. 37.
[61] UNESCO submission, pp. 5–6. See also country team submission, para. 38.
[62] See country team submission, para. 39.
[63] UNESCO submission, p. 5. See also country team submission, para. 37.
[64] See country team submission, para. 40.
[65] For relevant recommendations, see A/HRC/25/13, paras. 97.27, 98.3–98.4 and 98.19–98.20.
[66] UNESCO submission, pp. 2 and 5–6.
[67] Ibid., pp. 3–5. See also country team submission, para. 41.
[68] See country team submission, para. 42.
[69] See A/HRC/25/13, para. 98.3 (Paraguay).
[70] See country team submission, paras. 15–17.
[71] For relevant recommendations, see A/HRC/25/13, paras. 97.8, 97.10–97.13, 97.21–97.23, 98.7 and 98.10–98.14.
[72] See country team submission, para. 45. See also CCPR/C/BLZ/Q/1/Add.1, para. 6.
[73] See country team submission, para. 43. See also CCPR/C/BLZ/Q/1/Add.1, para. 8.
[74] UNESCO submission, pp. 4–5.
[75] For relevant recommendations, see A/HRC/25/13, paras. 97.14, 97.20, 99.26 and 99.40–99.41.
[76] See country team submission, paras. 33–34.
[77] See CMW/C/BLZ/CO/1, paras. 32–33. See also country team submission, para. 35.
[78] See A/HRC/25/13, para. 99.26 (Slovenia).
[79] See country team submission, para. 27. See also CCPR/C/BLZ/Q/1/Add.1, para. 13.
[80] See country team submission, paras. 48–49.
[81] Ibid., paras. 46–47; and A/HRC/26/37/Add.6, para. 19.
[82] See CMW/C/BLZ/CO/1, para. 39. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3338799.
[83] For relevant recommendations, see A/HRC/25/13, paras. 97.28–97.30 and 98.21.
[84] See country team submission, para. 50.
[85] Ibid.
[86] For relevant recommendations, see A/HRC/25/13, paras. 98.22–98.23 and 99.42–99.44.
[87] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16208&LangID=E. See also CCPR/C/BLZ/Q/1/Add.1, para. 26.
[88] See country team submission, para. 51.
[89] For relevant recommendations, see A/HRC/25/13, paras. 97.31 and 99.9.
[90] See CMW/C/BLZ/CO/1, para. 18.
[91] Ibid., para. 19.
[92] Ibid., paras. 26–27. See also A/HRC/26/37/Add.6, paras. 90–91; and country team submission, para. 52.
[93] See CMW/C/BLZ/CO/1, paras. 28–29.
[94] Ibid., paras. 14–15.
[95] UNHCR submission, p. 2.
[96] See A/HRC/25/13, para. 97.31 (Uruguay).
[97] UNHCR submission, pp. 1–2. See also country team submission, para. 53.
[98] UNHCR submission, p. 5.
[99] See country team submission, para. 54.
[100] UNHCR submission, p. 3. See also country team submission, para. 54; and CCPR/C/BLZ/Q/1/Add.1, para. 20.
[101] UNHCR submission, p. 5. See also country team submission, para. 54.
[102] UNHCR submission, p. 1.

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Summary of Stakeholders' submissions on Belize*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of six stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Regarding recommendation 99.1 from the second cycle of the universal periodic review[3], the International Human Rights Clinic - University of Oklahoma College of Law (IHRC-OU) noted that in 2015 Belize ratified the International Covenant on Economic, Social and Cultural Rights.[4] IHRC-OU recommended that Belize consider ratifying the Optional Protocol to the same covenant.[5] It also recommended that Belize sign and ratify the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights "Protocol of San Salvador".[6]

3. IHRC-OU noted that in 2015 Belize acceded to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.[7]

4. Regarding recommendation 99.42[8], IHRC-OU recommended that Belize ratify the International Labour Organization Convention No. 169.[9]

5. The International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that Belize was among the co-sponsors of the UN General Assembly resolution in 2016 that established the mandate to negotiate the UN Treaty on the Prohibition of Nuclear Weapons, participated in the negotiation of the Treaty, and voted in

* The present document was not edited before being sent to United Nations translation services.

favour of its adoption in 2017. However, it noted that Belize had not ratified the Treaty and recommended that Belize sign and ratify it as a matter of urgency.[10]

6. IHRC-OU recommended that Belize submit the reports on implementation of ratified treaties and conventions, including all overdue reports to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the implementation of the Convention against Discrimination in Education.[11]

B. National human rights framework[12]

7. Joint Submission 2 (JS2) considered noteworthy that, in January 2018, Belize sought technical support through the regional office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to conduct a feasibility study to examine the process for the development of a National Human Rights Institute.[13]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[14]

8. JS2 stated that the progressive nature of the Belize Constitution and its commitment to anti-discrimination were not reflected in the country's subsidiary laws.[15] It also noted that Belize had made no effort to advance anti-discrimination legislation that included discrimination based on sexual orientation or gender identity or a strategy to address hate speech online and in the media.[16]

9. While commending Belize for fostering national debate about its sodomy law and the rights of LGBT Belizeans, JS2 noted that it was a decision of the Supreme Court of Belize that in 2016 formally decriminalised sex between consenting adults in private.[17]

10. JS2 recommended that Belize establish a centralised mechanism accessible to LGBT Belizeans that could investigate and sanction perpetrators of civil rights violations.[18]

2. Civil and political rights

Right to life, liberty and security of person[19]

11. JS2 reported that LGBT Belizeans continued to experience crime and violence that went undocumented.[20] It recommended that Belize centralise disaggregated data collection on violence and discrimination through the police department and the Ministry of Health and develop a trauma-centred strategy and an anti-violence prevention plan that could be incorporated in the current National Security Strategic Plan.[21]

12. JS2 noted that, although police intimidation based on gender orientation or gender identity was not a State policy in Belize, it was a police's practice to reject, ignore or dismiss reports if the person was effeminate, a transwoman or very young. It recommended that Belize develop a zero-tolerance policy against discrimination and establish a non-discrimination position within the police department on how to handle reports of violence against sex workers and LGBT individuals.[22]

13. The Belize Family Life Association (BFLA) recommended that Belize ensure the establishment of efficient and effective systems for redress in instances of violence and discrimination based on sexual orientation, gender identity or expression and/or HIV status.[23]

Administration of justice, including impunity, and the rule of law[24]

14. IHRC-OU stated that Belize should display the achievements of the Office of the Integrity Commission of Belize, created after Belize's ratification of the Convention against Corruption.[25]

15. JS2 welcomed the efforts made through the National AIDS Commission to conduct human rights trainings for government officials, but noted that these trainings had been intermittent with no report of impact in the delivery of justice or public services.[26]

Fundamental freedoms and the right to participate in public and political life

16. IHRC-OU recommended that Belize implement a plan to increase Mayan/Garifuna presence in the political system.[27]

17. Joint Submission 1 (JS1) indicated that the Government of Belize had targeted Maya peoples for defending their human rights, subjecting them to unfounded criminal proceedings in order to paralyze or delegitimize their cause.[28]

Right to privacy and family life

18. IHRC-OU recommended that Belize raise the minimum age to marry for girls to 18 years.[29]

19. JS2 recommended that Belize amend the definition of family and make it gender neutral, revise its legislation to acknowledge common law unions as between "two persons" and define "spouse" in such a way that the other laws concerning family and property rights could be inclusive of same sex couples. It also recommended that Belize establish civil partnership laws to guarantee same-sex couples' socio-economic and reproductive rights.[30]

3. Economic, social and cultural rights

Right to social security

20. JS2 noted that that the Social Security Act C 44 provided maternity benefits only for an insured woman who gave birth or for an insured man in respect of his wife confinement after pregnancy, but did not cover same sex partners after the birth of their partner's child or the child of a same sex partner that had not been adopted by the surviving partner.[31] It also indicated that the Widows' and Children's Pensions Act C32 (Revised Edition 2000) and the Pensions Act C30 (Revised Edition 2000) limited benefit coverage to traditional family members, excluding the possibility for same sex partners to receive any benefit after the death of his or her partner.[32]

Right to an adequate standard of living[33]

21. IHRC-OU acknowledged that the government was publicly committed to establishing programs designed to eradicate poverty.[34]

22. JS2 noted that, while common law heterosexual partners who had cohabited for 5 or more years benefitted from the estate of their partner if the latter died intestate, as if they were formally married spouses, there was no succession in the ownership of a house for same sex partners.[35]

Right to health[36]

23. IHRC-OU noted that delivering healthcare to rural areas remained challenging because of a lack of infrastructure. It acknowledged that Belize had increased funding to the health sector, but was concerned that the increased spending would not reach rural and indigenous areas.[37]

24. BFLA recommended that Belize ensure the integration of the principles of human rights and non-discrimination based on gender, age, sexual orientation and gender identity into all medical disciplines programmes at the University of Belize and that implement systematic sensitization for all health sector employees on these issues.[38]

25. JS2 reported that there was no legislation permitting a same sex partner to make life and death decisions about medical care and treatment for critically ill or dying partner.[39]

26. BFLA stated that, despite the commitments assumed by Belize at the international level, there had been little progress in the development and implementation of comprehensive sexuality education programs in schools. It noted the lack of a

comprehensive sexuality education policy and the influence of the strong opposition from religious leaders in this regard.[40] BFLA recommended that Belize develop a national comprehensive sexuality education policy, with a universal curriculum complying with the International Technical Guidance on Sexuality Education, and ensure adequate resources for its implementation.[41]

27. IHRC-OU noted that Belize had not amended its abortion law to remove the punitive provisions.[42]

28. IHRC-OU acknowledged that Belize had made significant gains in addressing the multiple challenges associated with HIV/AIDS. However, it noted that Belize had not amended its law requiring parental consent for HIV testing of minors and had failed to address the stigmatization of and discrimination against those living with HIV.[43]

29. BFLA recommended that Belize develop, adequately finance, implement and evaluate at the national level an effective HIV/AIDS Prevention Communication Strategy including the principles of human rights and non-discrimination based on gender, age, sexual orientation and gender identity.[44]

Right to education[45]

30. IHRC-OU stated that, despite its detailed education laws and policies, Belize had failed to protect the Garifuna community and its unique culture. It also noted that, because of the country's standardized fees after primary school, many Garifuna did not pursue education past primary school.[46]

31. IHRC-OU stated that Belize did not have programs of bilingual education, nor specific policies dealing with the promotion of native languages. It recommended that Belize increase research of indigenous languages and cultures at the national university.[47]

32. JS2 reported cases of discrimination against LGBT persons in the education sector and noted the lack of a law or national policy on bullying in education.[48]

4. Rights of specific persons or groups

Women[49]

33. BFLA noted that the lack of information on HIV prevention and of women's power to use such information in sexual relationships, including in the context of marriage, undermined their ability to negotiate condom use and engage in safer sex practices. It added that the lack of a national policy on comprehensive sexuality education in schools exacerbated the human rights violations already experienced by women and girls who were victims of gender based violence and served to perpetuate the cycle of violence.[50]

Children[51]

34. Regarding recommendation 99.26[52], the Global Initiative to End All Corporal Punishment of Children (GIEAPC) reported that in Belize corporal punishment of children was lawful in the home, some alternative care and day care settings and some penal institutions. It hoped that States in the UPR Working Group would recommend that Belize fulfil its previous UPR commitment and draft and enact legislation, as a matter of priority, to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defences and authorisations for its use.[53]

Persons with disabilities[54]

35. IHRC-OU stated that Belize had not implemented recommendation 97.30[55] and that since 2013 there had been no changes regarding the accessibility of health services for persons with disabilities.[56]

Minorities and indigenous peoples[57]

36. JS1 stated that, since its second UPR cycle, Belize had failed to protect the rights of Maya peoples by permitting acts by government agents and third parties that affected the

land and other resources belonging to the Maya peoples without their free, prior and informed consent. These activities included construction and extractive activities, logging and demolition of sacred sites.[58]

37. Regarding recommendations 99.43 and 99.44[59], IHRC-OU highlighted that the Consent Order issued in 2015 by the Caribbean Court of Justice (CCJ) in the case *Maya Leaders Alliance Et Al and the Attorney General of Belize* acknowledged that Maya customary land tenure rights existed in the Maya villages in the Toledo District and that they gave rise to collective and individual property rights.[60] JS1 indicated that the Consent Order further required the Government of Belize to identify and protect Maya property and other rights arising from customary land tenure and abstain from interference with these rights if Maya consent had not been granted through a process of meaningful consultation.[61] It also noted that the Consent Order was accompanied by a written commitment by the Government that defined the nature of the rights affirmed and set out a schedule for the demarcation process. It stated that three years after the Consent Order the Government had not progressed in the development of the legislative, administrative or other measures necessary to delimit, demarcate, title or otherwise clarify and protect Maya land.[62]

38. JS1 acknowledged the creation in 2016 of the Toledo Maya Land Rights Commission as the government mechanism to implement the Consent Order. However, it noted that the Commission had taken the view that it was for the Government alone to determine how to implement the Consent Order and who should be consulted in this process. It also noted that, since its constitution, the Commission had met only twice with the Maya peoples' duly elected representatives.[63] JS1 urged Belize to clarify the mandate of the Commission so that it could work in partnership with the Maya peoples' duly elected representatives to adopt meaningful consultation policies and create an effective method to demarcate and title Maya land. Until then, JS1 urged Belize to refrain from acting, or permitting or tolerating third parties to act, in ways that might affect the existence, use or enjoyment of the property located within the geographic area occupied by the Maya peoples.[64]

39. IHRC-OU recommended that Belize consider including constitutional recognition of property rights that apply to Indigenous and Garifuna people and take concrete measures to allow them to exercise jurisdiction over their traditional lands.[65]

Migrants, refugees, asylum seekers and internally displaced persons[66]

40. JS2 noted that Belize's immigration law prohibited LGBT immigrants from entering the country. It recommended that Belize amend any section of such law that promoted or reinforced discriminatory practices in immigration and establish an accessible complaint mechanism.[67]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

BFLA	Belize Family Life Association (Belize);
GIEACPC	The Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
IHRC-OU	International Human rights Clinic, International Human Rights Clinic - University of Oklahoma College of Law (United States of America).

Joint submissions:

JS1	**Joint submission 1 submitted by**: Maya Leaders Alliance (Belize); Cultural survival (United States of America);
JS2	**Joint submission 2 submitted by**: United Belize Advocacy

Movement – UniBAM (Belize); Our Circle (Belize); Promoting Empowerment Through Awareness for Les/Bi Women – PETAL (Belize); Belize Youth Empowerment for Change – BYEC (Belize); Empower Yourself Belize Movement – EYBM (Belize); Trans In Action – TIA (Belize).

[2] For the relevant recommendations, see A/HRC/25/13, paras. 98.5, 99.1- 99.6, 99.11, 99.18- 99.21, 99.23, 99.24, 99.42.
[3] UPR recommendation 99.1 (Brazil, Paraguay). For the full text of the recommendation, see A/HRC/25/13.
[4] See IHRC-OU, p. 1. See also BFLA, p. 3; and JS1, p. 2.
[5] See IHRC-OU, p. 4.
[6] See IHRC-OU, p. 3.
[7] See IHRC-OU, p. 1.
[8] UPR recommendation 99.42 (Honduras). For the full text of the recommendation, see A/HRC/25/13.
[9] See IHRC-OU, pp. 4 and 5.
[10] See ICAN, p. 1.
[11] See IHRC-OU, pp. 2 and 4.
[12] For relevant recommendations, see A/HRC/25/13, paras. 97.1 - 97.6, 98.1, 98.2, 98.26, 99.7, 99.8, 99.10 - 99.16.
[13] See JS2, p. 4.
[14] For the relevant recommendations, see A/HRC/25/13, paras. 97.7, 97.9, 98.6, 98.8, 99.28 - 99.39.
[15] See JS2, p. 3.
[16] See JS2, pp. 9 - 10 and 13.
[17] See JS2, p. 4.
[18] See JS2, p. 9.
[19] For relevant recommendations, see A/HRC/25/13, paras. 98.3, 98.9, 99.17, 99.22, 99.25.
[20] See JS2, pp. 2 and 6.
[21] See JS2, p. 7.
[22] See JS2, pp. 7, 11 and 13.
[23] See BFLA, p. 5.
[24] For relevant recommendations, see A/HRC/25/13, paras. 97.19, 98.4, 99.17, 99.23, 99.24, 99.27.
[25] See IHRC-OU, p. 2.
[26] See JS2, p. 4.
[27] See IHRC-OU, p. 3.
[28] See JS1, p. 12.
[29] See IHRC-OU, p. 6.
[30] See JS2, pp. 5 and 11.
[31] See JS2, p. 3.
[32] See JS2, p. 11.
[33] For relevant recommendations, see A/HRC/25/13, paras. 97.33, 98.15 - 98.17, 98.24, 98.25.
[34] See IHRC-OU, p. 5.
[35] See JS2, pp. 3 and 8.
[36] For relevant recommendations, see A/HRC/25/13, paras. 97.25, 97.26, 98.18.
[37] See IHRC-OU, pp. 5 - 6.
[38] See BFLA, p. 5.
[39] See JS2, p. 10.
[40] See BFLA, pp. 3 - 4.
[41] See BFLA, p. 5.
[42] See IHRC-OU, p. 6.
[43] See IHRC-OU, p. 5.
[44] See BFLA, p. 5.
[45] For relevant recommendations, see A/HRC/25/13, paras. 97.27, 98.3, 98.4, 98.19, 98.20.
[46] See IHRC-OU, p. 4.
[47] See IHRC-OU, pp. 2 and 3.
[48] See JS2, pp. 7 – 8.
[49] For relevant recommendations, see A/HRC/25/13, paras. 97.8, 97.10 - 97.13, 97.21 - 97.23, 98.7, 98.10 - 98.14
[50] See BFLA, p. 4.
[51] For relevant recommendations, see A/HRC/25/13, paras. 97.14, 97.20, 99.26, 99.40, 99.41.
[52] UPR recommendation 99.26 (Slovenia). For the full text of the recommendation, see A/HRC/25/13.
[53] See GIEACPC, pp. 1 - 2.
[54] For relevant recommendations, see A/HRC/25/13, paras. 97.28 - 97.30, 98.21.

[55] UPR recommendation 97.30 (Maldives). For the full text of the recommendation, see A/HRC/25/13.
[56] See IHRC-OU, pp. 5 - 6.
[57] For relevant recommendations, see A/HRC/25/13, paras. 98.22, 98.23, 99.42 - 99.44.
[58] See JS1, pp. 2 and 10-11.
[59] UPR recommendations 99.43 (Peru) and 99.44 (Norway). For the full text of the recommendation, see A/HRC/25/13.
[60] See IHRC-OU, pp. 4 - 5.
[61] See JS1, p. 4.
[62] See JS1, p. 6.
[63] See JS1, p. 6.
[64] See JS1, p. 13.
[65] See IHRC-OU, pp. 4 - 5. See also JS1, p. 13.
[66] For relevant recommendations, see A/HRC/25/13, paras. 97.31, 99.9.
[67] See JS2, pp. 4 - 5.